

Appln. No. : 10/082,774  
Applicant : Fitzpatrick, et al.  
Filed : February 25, 2002  
TC/A.U. : 2644  
Examiner : Briney III, Walter F.

Confirmation No. 4419

Docket No. : 6169-238  
IBM Docket No. : BOC9-2001-0002

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**DECLARATION UNDER 37 C.F.R. § 1.131**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22203-1450

Sir:

I, James J. Toohey, a citizen of the United States of America, residing at 3343 N.W. 28<sup>th</sup> Avenue, Boca Raton, Florida 33434, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Boca Raton, Florida at the time the above-identified application was conceived. I continue to be employed by IBM. I make this declaration in support of the above-identified application.

2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit IBM Confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I prepared and submitted the attached IBM Confidential Invention Disclosure BOC8-2001-0009. IBM Confidential Invention Disclosure BOC8-2001-0009 was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on February 5, 2001. The content of the disclosure has not been subsequently modified. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent

application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

4. I make this Declaration to establish that I co-conceived of the present invention at least as early as February 5, 2001, and exercised due diligence from that date to February 25, 2002, the filing date for the above-identified patent application.

5. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

James J. Toohey  
James. J. Toohey

Date: July 29, 2005

STATE OF FLORIDA                    )  
  ) ss:  
COUNTY OF PALM BEACH         )

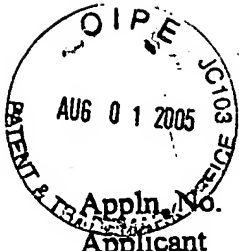
The foregoing instrument was sworn to and subscribed before me this 29<sup>th</sup> day of July, 2005, by JAMES J. TOOHEY, who is personally known to me or who has produced license (type of identification) as identification.

Bette Sikes  
NOTARY PUBLIC,  
STATE OF FLORIDA

BETTE SIKES  
(Print, Type or Stamp Commissioned Name of Notary Public)

BETTE SIKES MY COMMISSION # DD 038911 EXPIRES: October 30, 2005 <small>Notary Public Under Seal</small>
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County of Palm Beach, Florida



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P.O. Box 1450  
Alexandria, VA 22203-1450

Sir:

I, Gregory P. Fitzpatrick, a citizen of the United States of America, residing at 1527 Sweetgum Circle, Keller, Texas 76248-3208, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Boca Raton, Florida at the time the above-identified application was conceived. I continue to be employed by IBM. I make this declaration in support of the above-identified application.
2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit IBM Confidential Invention Disclosure Forms upon conception by the inventor(s).
3. As a named co-inventor for this invention, I reviewed and concurred in the description of the invention that was set forth in the attached IBM Confidential Invention Disclosure BOC8-2001-0009, as prepared and submitted by my co-inventor James J. Toohey. IBM Confidential Invention Disclosure BOC8-2001-0009 was submitted for consideration to an IBM Attorney/ Patent Professional for preparation of a patent application on February 5, 2001. The content of the disclosure has not been subsequently modified. The disclosure represents a

